

WILLIAM J. PENNINGTON III  
ATTORNEY AT LAW

1063 LOYALIST LANE  
MOUNT PLEASANT, SC 29464

(803) 881-8830

MAILING ADDRESS  
POST OFFICE BOX 1447  
MOUNT PLEASANT SC 29465  
TELECOPIER (803) 881-8830

ADMITTED IN  
SOUTH CAROLINA  
NORTH CAROLINA

May 13, 1996

FCC FILE # 96-155

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

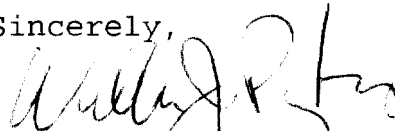
RE: Petition For Rule Making Seeking Changes in FM Table of  
Allotments.

Dear Mr. Caton:

Transmitted herewith, on behalf of Bunyard Partnership, is an original and five (5) copies of a Petition for Rule Making seeking changes in the FM Table of Allotments.

Should there be any questions regarding this matter please do not hesitate to contact the undersigned.

Sincerely,



William J. Pennington, III  
COUNSEL FOR BUNYARD PARTNERSHIP

Enc.  
WJP/klm

Handwritten initials: OJS, MMB

Before the

**FEDERAL COMMUNICATIONS COMMISSION**

Washington, DC 20554

In the Matter of

Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations  
(Ashdown, Arkansas and Blossom,  
Texas)

MM Docket No.  
RM-

Directed to: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULE MAKING**

Bunyard Partnership ("Bunyard"), licensee of Station KARQ(FM) at Ashdown, Arkansas, hereby petitions the Commission to institute a rule making proceeding seeking the substitution of FM Channel 223C3 for Channel 221A at Ashdown and modification of the license for Station KARQ(FM). In support whereof, the following is shown:

1. Station KARQ(FM) presently operates as a 3.0 kilowatt Class A facility on FM Channel 221. As is shown in Exhibit 1, a channel spacing study, Channel 223C3 may be allotted to Ashdown with a site restriction of 9.2 kilometers south southwest of the community if one change were made in the Commission's FM Table of Allotments. Exhibit 2 is a map showing that from the proposed allotment coordinates, KARQ(FM) if operating on Channel 223C3, would easily place a 70 dBu service contour completely over the community of Ashdown.

2. Allotted, but unapplied for Channel 224C2 at Blossom,

Texas, is presently shortspaced to the proposed allotment point for Channel 223C3 at Ashdown. Exhibit 3 is a channel spacing study which shows that Channel 294C2 may be substituted for Channel 224C2 at Blossom, Texas with a site restriction of 18 kilometers north northwest of the community. Exhibit 4 is a map showing that from the proposed allotment coordinates for Channel 294C2 that a facility operating with full Class C2 facilities could easily put a 70 dBu service contour over the community of Blossom. Although Channel 294C2 may not be allotted at the same geographic coordinates as the Channel 224C2 allotment, no imposition will be placed on any licensee, permittee or applicant as the filing window for this frequency does not open until June 7, 1996 as per the Report and Order in MM Docket No. 95-75, released on April 23, 1996. Thus, the proposed substitution of channels at Blossom is permissible.

3. The substitution of Channel 223C3 for Channel 221A at Ashdown could allow Station KARQ(FM) to serve a larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. The Commission has determined that expanded service to the public and spectrum efficiency provide significant public service benefits. See Report and Order in MM Docket No. 85-313, 60 RR 2d 114, 118 (1986). Thus, Bunyard's proposal would serve the public interest.

4. Since there is no licensee, permittee or applicants pending for Channel 224C2 at Blossom, no Order to Show Cause is needed to be served on any party.

5. Since the proposed substitution at Ashdown is a second adjacent frequency to that on which Station KARQ(FM) presently operates, no competing expressions of interest may be filed.

6. Upon grant of this request, Bunyard will immediately file with the Commission an application for construction permit seeking the facility changes sought in this proposal, and if granted will immediately construct those facility changes.

NOW THEREFORE, based on the foregoing, Bunyard respectfully requests that the Commission (1) substitute Channel 223C3 for Channel 221A at Ashdown, Arkansas and modify the license of Station KARQ(FM) accordingly; and (2) substitute Channel 294C2 for allotted and unapplied for Channel 224C2 at Blossom, Texas.

Respectfully submitted,

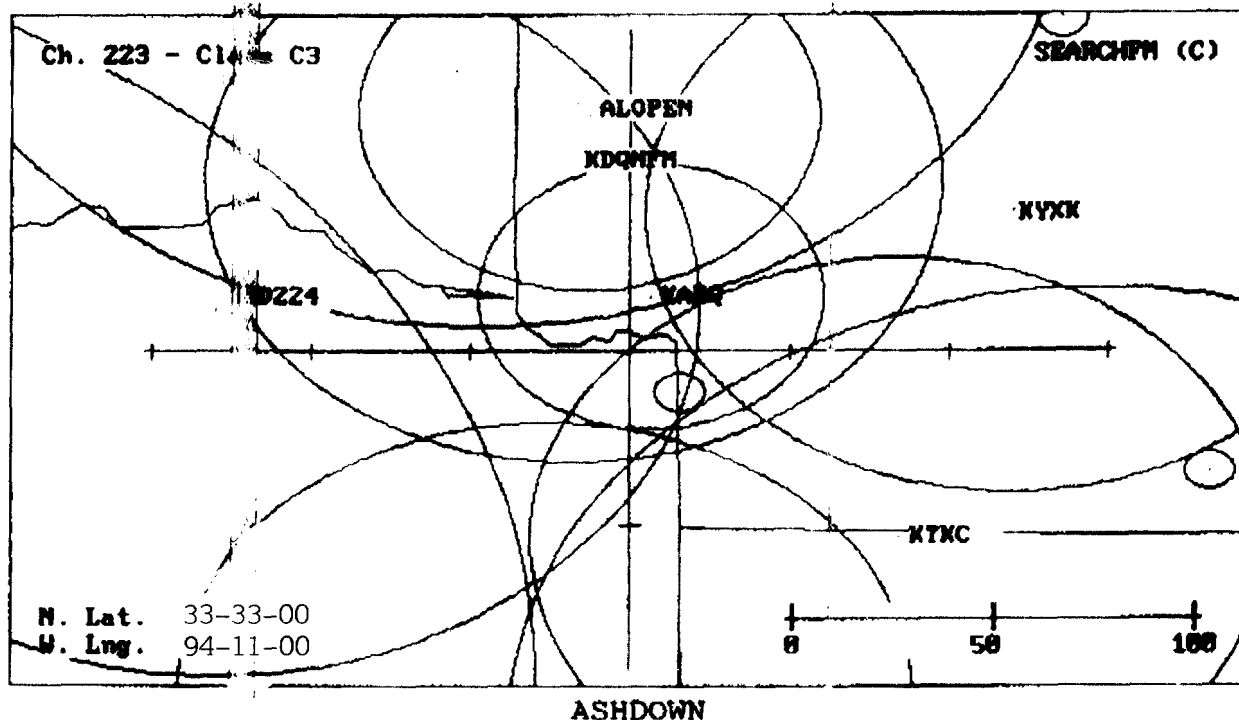
**BUNYARD PARTNERSHIP**

By: 

William J. Bennington, III  
Their Attorney

Post Office Box 1447  
Mount Pleasant, SC 29465  
(803) 881-8830

Date: May 13, 1996

CHANNEL 223C<sup>3</sup>Search 05-13-1<sup>1</sup>

Current rules spacings

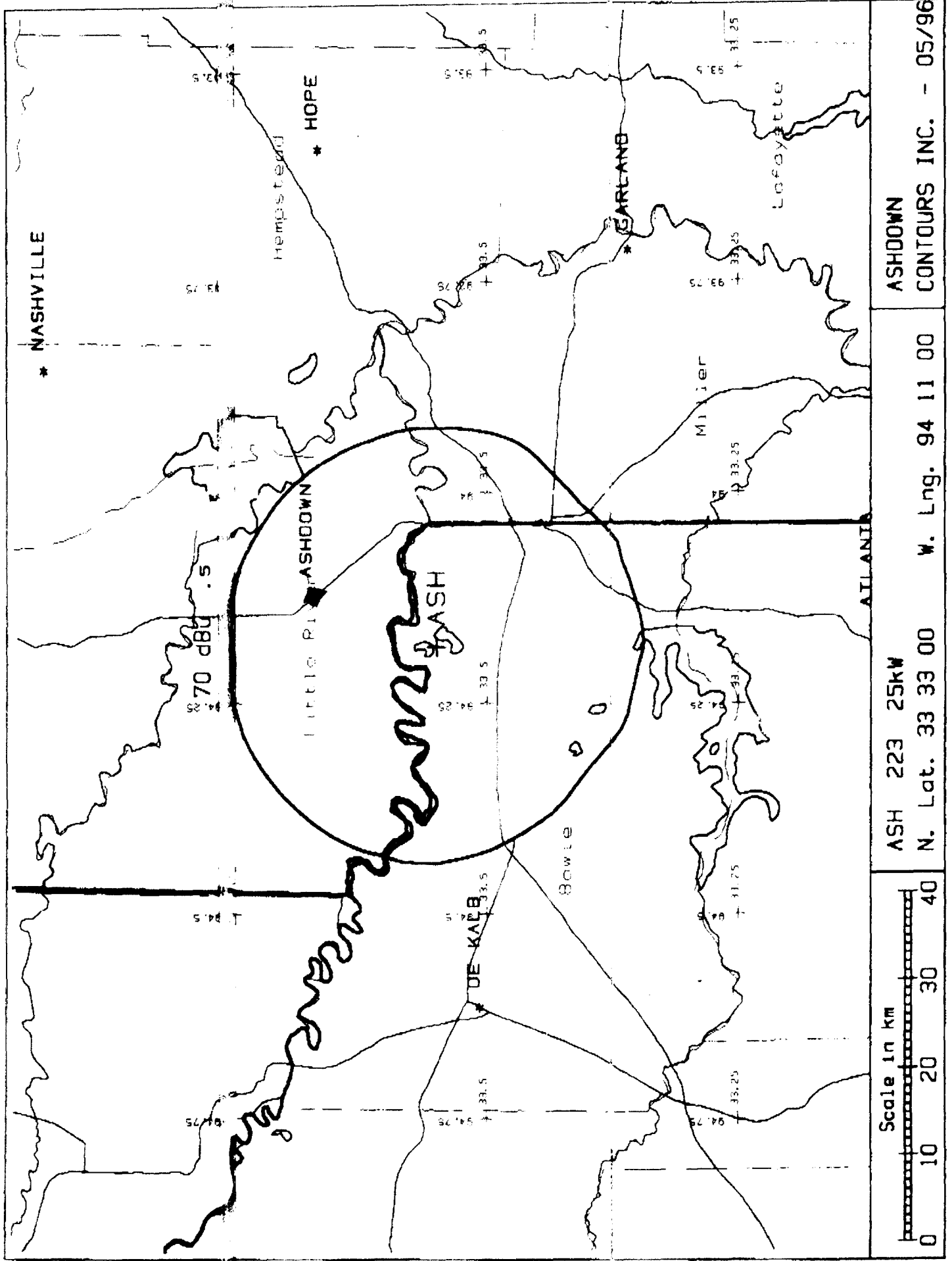
CHANNEL 223 - 92.5 MHz

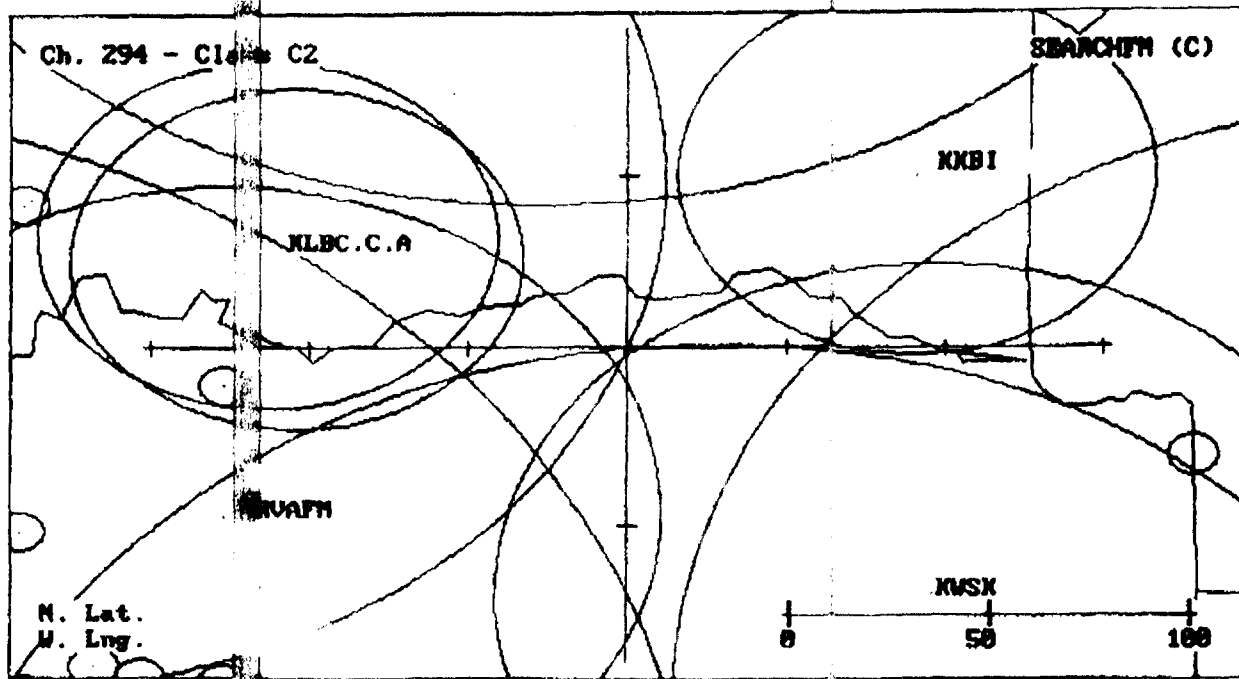
| CALL     | CH#   | CITY       | STATE | BEAR' | D-KM   | R-KM  | MARGIN     |
|----------|-------|------------|-------|-------|--------|-------|------------|
| KDQNFH   | 224A  | De Queen   | AR    | 345.9 | 55.18  | 89.0  | -33.82 */1 |
| DE224    | 224A  | De Queen   | AR    | 345.9 | 55.18  | 89.0  | -33.82 */1 |
| KARQ     | 221A  | Ashdown    | AR    | 18.6  | 17.43  | 42.0  | -24.57 */2 |
| AD224    | 224C2 | Blossom    | TX    | 277.4 | 101.73 | 117.0 | -15.27 */3 |
| KTKC     | 224A  | Springhill | LA    | 132.5 | 89.03  | 89.0  | 0.03 <     |
| KPRVFM   | 223A  | Heavener   | OK    | 346.4 | 153.85 | 142.0 | 11.85      |
| KPRVFM   | 223A  | Heavener   | OK    | 346.4 | 153.85 | 142.0 | 11.85      |
| KYXK     | 224A  | Gurdon     | AR    | 64.8  | 102.89 | 89.0  | 13.89      |
| KDQNFH.A | 226C2 | De Queen   | AR    | 352.3 | 75.71  | 56.0  | 19.71      |
| ALOPEN   | 226C2 | De Queen   | AR    | 352.3 | 75.71  | 56.0  | 19.71      |
| KWQNFH.C | 223A  | Arcadia    | LA    | 137.3 | 165.95 | 142.0 | 23.95      |
| KCULFM   | 222A  | Marshall   | TX    | 190.3 | 113.78 | 89.0  | 24.78      |
| KCULFM   | 222A  | Marshall   | TX    | 190.3 | 113.78 | 89.0  | 24.78      |
| KZPS     | 223C  | Dallas     | TX    | 247.7 | 281.14 | 237.0 | 44.14      |

/1 COMMISSION HAS GRANTED ONE STEP APPLICATION ALLOWING STATION KDQNFH-FM TO OPERATE WITH CLASS C2 FACILITIES ON CHANNEL 226

/2 STATION THAT IS PROPOSED TO BE UPGRADED IN THIS PROCEEDING

/3 PROPOSED IN THIS PROCEEDING TO SUBSTITUTE CHANNEL 294C2 FOR CHANNEL 224C2





BLOSSOM

CHANNEL 294C2

Search 05-13-19

Current rules spacings

CHANNEL 294 -106.7 MHz

| CALL   | CH#   | CITY         | STATE | BEAR' | D-KM   | R-KM  | MARGIN |
|--------|-------|--------------|-------|-------|--------|-------|--------|
| KOOI   | 293C  | Jacksonville | TX    | 173.4 | 188.00 | 188.0 | 0.00 * |
| KYNZ   | 294A  | Lone Grove   | OK    | 289.1 | 166.41 | 166.0 | 0.41 < |
| KWSK   | 295A  | Dangerfield  | TX    | 136.6 | 107.82 | 106.0 | 1.82 < |
| KRVAFM | 295A  | Mckinney     | TX    | 241.4 | 111.52 | 106.0 | 5.52   |
| KRVAFM | 295A  | Mckinney     | TX    | 241.4 | 111.52 | 106.0 | 5.52   |
| KLBC   | 296A  | Durant       | OK    | 289.3 | 86.02  | 55.0  | 31.02  |
| KLBC.A | 296A  | Durant       | OK    | 289.3 | 86.02  | 55.0  | 31.02  |
| KKBI   | 291C2 | Broken Bow   | OK    | 51.7  | 89.67  | 58.0  | 31.67  |
| KCKK   | 294C  | Granbury     | TX    | 234.7 | 286.52 | 249.0 | 37.52  |
| KLBC.C | 296C3 | Durant       | OK    | 292.1 | 94.64  | 56.0  | 38.64  |
| KZXB.C | 294C2 | Homer        | LA    | 118.8 | 230.16 | 190.0 | 40.16  |
| KHTT   | 295C  | Muskogee     | OK    | 355.0 | 235.65 | 188.0 | 47.65  |

